

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – Anti Corruption Bureau Trap Case against Sri P.Chandra Sekhar Reddy, formerly Superintendent, O/o Mandal Revenue Office, Rajampet, Cuddapah District and now retired from service - Convicted by the Trial Court – Dismissed from service – Conviction challenged - Acquitted by the High Court – Regularization of suspension period – Orders - Issued.

REVENUE (VIGILANCE-VI) DEPARTMENT

G.O.Ms.No. 1336

Dt:8-11-2010.
Read the following:

- Read: 1. From the DG, ACB, Hyd., Lr.No.148/RCT-TCD/96, Dt.28-8-97/9-9-97.
2. G.O.Ms.No.988, Rev (Ser.III) Dept., dt.26-11-97.
3. Judgment of the Court of Special Judge for SPE & ACB Cases, Nellore, dt.28-10-03 in C.C.No.4/98.
4. G.O.Ms.No.1335, Rev (Vig.III) Dept., dt.29-12-03.
5. Judgment of the High Court of A.P., Hyd., dt.22-11-09 in Cr.A.No.1184/03.
6. From Sri P. Chandrasekhar Reddy, Dy.MRO (Retd), Reprn.NIL.
7. Govt.Memo.No.49101/Vig.VI(2)/09-1, dt.12-1-10.
8. From the DG, ACB, Lr.Rc.No.148/RCT-TCD/96, dt.4-3-10.
9. From Sri P. Chandrasekhar Reddy, Dy.MRO (Retd), Reprn.NIL.
10. From the Dist. Collector, YSR Dist., Lr.Ref.No. A1/2664/10, dt.23-7-10.

ORDER:

In the G.O. 2nd read above, orders were issued permitting the Director General, Anti Corruption Bureau, Hyderabad to prosecute Sri P.Chandra Sekhar Reddy, formerly Superintendent, O/o Mandal Revenue Office, Rajampet, Cuddapah District and now retired from service in a court of law on the allegation of corruption. On filing charge sheet, the Hon'ble Court of Special Judge for SPE & ACB Cases, Nellore, in its judgment 28-10-03 in C.C.No.4/98 convicted and sentenced the Accused Officer to undergo rigorous imprisonment for a period of two years and pay a fine of Rs.2000/-, and in default of fine, to undergo simple imprisonment for a period of three months under each count, under section 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988. Consequently, the Accused Officer was dismissed from service by the Government in the reference 4th cited. Further, while under dismissal only, the Accused Officer retired from service on 31-5-08.

2. Aggrieved by the conviction orders, the individual filed Criminal Appeal.No.1184/03 before the High Court. The Hon'ble High Court of Andhra Pradesh in its judgment dt.22-11-09 in Cr.No.1184/03 while giving a benefit of doubt to the Accused Officer, had allowed the Criminal Appeal and set aside the judgment dt.28-10-03 in C.C.No.4/98 on the file of the Court of Special Judge for SPE & ACB Cases, Nellore duly acquitting the Accused Officer of the charges under Section 7 & 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988. The Director General, Anti Corruption Bureau in his letter 8th read above had opined that this is not a fit case to file SLP in the Hon'ble Supreme Court of India on the above acquittal judgment of the High Court.

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3. In his representation 9th read above, Sri P. Chandrasekhar Reddy, Deputy Tahsildar (Retd) has submitted that consequent on Anti Corruption Bureau trap case, he was placed under suspension by the District Collector, Kadapa with effect from 6.12.1996 and subsequently re-instated on 8-7-02 wherein he had joined duty on 18.7.2002 as Deputy Tahsildar in the O/o the Mandal Revenue Office, Porumamilla. He has also represented that, consequent on judgment of the Special Judge for SPE & ACB, Nellore, he was dismissed from service vide G.O.Ms.No.1335, Rev (Vig.III) Dept., dt.29-12-03. While enclosing a copy of the judgment of the Hon'ble High Court dt.22-9-09 in Cr.Appal.No.1184/03 wherein the Hon'ble High Court of Andhra Pradesh set aside the orders of the Lower Court, the Accused Officer has requested the Government to regularize his suspension period from 6.12.1996 to 17.7.2002 and 30.10.2003 to 31.5.2008 treating the periods as spent on duty for all purposes under 54(B) of FR.

4. Government have examined the issue in the light of the report of the District Collector, YSR District in the reference last read above and observed that the period from 6-12-96 to 17-7-02 is the suspension period, whereas the period from 14-03-04 to 31-5-08 is the dismissal period of the individual. Government have also observed that the Andhra Pradesh High Court, while giving benefit of doubt, had allowed the Criminal Appeal filed by the Accused Officer and set aside the judgment of the Trial Court. Government have, therefore, decided that the order of dismissal issued in pursuance of the conviction, be modified and the period of dismissal be considered as "Deemed Suspension".

5. Government after careful examination of the matter, hereby modify the orders of "Dismissal from service" to that of "Deemed Suspension" and hence consider the dismissal period of the Accused Officer from 14-03-2004 to 31-05-2008 as the period under deemed suspension. Accordingly Government hereby order that the suspension period of the individual from 06-12-1996 to 17-07-2002 and subsequent "Deemed Suspension period" from 14-03-2004 to 31-05-2008 be treated as "Not on Duty", in terms of the orders issued in Circular Memo.No.32419/838/FR.II/2003, dt.19-6-2004.

6. The Chief Commissioner of Land Administration, Hyderabad shall take necessary further action in the matter accordingly.

7. The original record of O/o District Collector, YSR District containing pp.1-173 cf and pp.1-25 nf is sent herewith. He shall acknowledge receipt of the record.

(BY ORDER AND IN THE NAME OF THE GOVERNER OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration,
Hyderabad.

Copy to:

The individual through Chief Commissioner of
Land Administration, Hyderabad

The District Collector, YSR District.

The Director General, Anti Corruption Bureau, Hyderabad.

The Accountant General, Andhra Pradesh, Hyderabad.

The District Treasury Officer, YSR District.

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER